

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE EVERGREEN ULTRA SHORT OPPORTUNITIES FUND SECURITIES LITIGATION ) No. 1:08-CV-11064-NMG ) ) ) ) ) )

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**JOINT NOTICE OF MEDIATION AND MOTION TO AMEND SCHEDULING ORDER**

NOW COME the parties in the above-captioned action – Plaintiffs International Brotherhood of Electrical Workers Local 98, NECA Electrical Workers Joint Apprenticeship Training Trust Fund, First Agency Account LP, Bricklayers and Allied Craftworkers Local 1 of PA/DE Health and Welfare Fund, and the Bricklayers Local 54 of Pennsylvania Supplemental Welfare Fund, and Defendants Evergreen Investment Management Co. LLC, Evergreen Investment Services, Inc., Wachovia Corporation, Dennis H. Ferro, Kasey Phillips, Evergreen Fixed Income Trust, Charles A. Austin, Shirley L. Fulton, Leroy Keith, Jr., Gerald M. McDonnell, Patricia B. Norris, William Walt Pettit, David M. Richardson, Russell A. Salton III, Michael S. Scofield, Richard J. Shima and Richard K. Wagoner (collectively, “Parties”) – by and through their undersigned counsel, and hereby notify the Court that the Parties have agreed to mediate this case on August 31, 2011 with retired federal judge Nicholas Politan.

In order to focus resources on preparing for the mediation, the Parties hereby request that the Court amend certain dates in the extant scheduling order, which was established during the Court’s June 24, 2010 Scheduling Conference and entered on the docket on July 1, 2010. Importantly, the Parties do not request amendment of the May 16, 2012 pre-trial conference or the June 4, 2012 trial date. Rather, the Parties simply request that certain expert and motion-related deadlines be moved back approximately one (1) month as follows:

1. The deadline for Plaintiffs' expert report is hereby moved from August 15, 2011 to September 15, 2011.
2. The deadline for deposing Plaintiffs' expert is hereby moved from September 15, 2011 to October 15, 2011.
3. The deadline for Defendants' expert report is hereby moved from October 15, 2011 to November 15, 2011.
4. The deadline for deposing Defendants' expert is hereby moved from November 8, 2011 to December 15, 2011.
5. The deadline for Plaintiffs' rebuttal expert report (if any) is hereby moved from November 30, 2011 to January 9, 2012.
6. The deadline for deposing Plaintiffs' rebuttal expert (if any) is hereby moved from December 15, 2011 to January 27, 2012.
7. The deadline for filing any motion for summary judgment is hereby moved from January 15, 2012 to February 15, 2012.
8. The deadline for filing any opposition to any motion for summary judgment is hereby moved from February 15, 2012 to March 15, 2012.

This revised schedule will accommodate the Parties' desire to mediate this case on August 31, 2011, without affecting the trial date set by the Court for June 12, 2012.

Dated: June 24, 2011

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SO ORDERED:

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Nathaniel M. Gorton  
United States District Judge

Dated: \_\_\_\_\_